THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25135 of 2007

Date:27.11.2007

Between:
Padilam Venkateswara Rao

...
Petitioner

AND
The District Collector, West Godavari,
Eluru and another.

... Respondents

Counsel for the petitioner: Sri T.Durga Prasad Rao & Smt. J.Anita.

Counsel for the respondents: Asst. Govt. Pleader for Land Acquisition.

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HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25135 of 2007

ORDER:-

This Writ Petition is filed for a Writ of Mandamus to declare order dated 5-7-2007 passed by the in charge District Collector, West Godavari District at Eluru, as illegal.

An extent of Ac.2.00 cents of dry land, belonging to the petitioner, situated in Survey No.248 of Cheepurugudem village of Nallajerla Mandal has been notified under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") on 1-2-2007. In the enquiry held under Section 5-A of the Act, the petitioner submitted his objections. The said objections were considered and rejected by the in-charge District Collector, West Godavari District by the impugned order dated 5-7-2007.

Heard Smt. J.Anitha, learned counsel for the petitioner and perused the record.

The only contention advanced on behalf of the petitioner is that the petitioner is a small farmer and that, therefore, acquisition of land belonging to him is not proper.

In his objections, the petitioner claimed that he owns an extent of Ac.2.00 cents of land and that since the said land is the only source of his livelihood, the same may be excluded from acquisition. However, in his affidavit filed in support of the Writ Petition, the petitioner admitted that his joint family owns a total extent of Ac.9.45 cents of dry land in different survey numbers and that he has got two major sons and one minor son. This averment of the petitioner has not been projected in his objections filed before the Collector. Neither the petitioner in his affidavit, nor the learned counsel in her arguments explained the

reasons why the averment that the petitioner has three sons has not been put-forth before the Collector.

I have carefully perused the impugned order, in which it could be seen that the land admeasuring Ac.2.00 cents covered by R.S.No.248 belonging to the petitioner is abutting Nallajerla-Koyyalagudem main road and it is fit for construction of houses. The said order also took note of the report sent by the Revenue Divisional Officer & Land Acquisition Officer, Eluru, stating that there are no Government lands available in the said village for acquisition. Since the land is needed for providing house sites to the people belonging to weaker sections, the Government has been proposing to acquire the said land. It is legally well settled that the order of the administrative authority can be interfered only on limited grounds of violation of principles of natural justice, illegality, irrationality and procedural impropriety. From the impugned order I am convinced that the objections filed by the petitioner were objectively considered. Therefore, I am not inclined to interfere with the order passed by the in charge Collector, West Godavari District at Eluru, which is impugned in this Writ Petition.

For the aforementioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP No.32782 of 2007 is also dismissed.

C.V.NAGARJUNA REDDY,J
27-11-2007

MNR